

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/LFG

RIO CHAMA STREAM SYSTEM
Section 3, Canjilon Creek

Subfile Nos.:

CHCJ-002-0002	CHCJ-003-0071
CHCJ-002-0010	CHCJ-003-0073
CHCJ-002-0028	CHCJ-003-0074
CHCJ-002-0029	CHCJ-003-0075
CHCJ-002-0030	CHCJ-003-0076
CHCJ-002-0032	CHCJ-003-0077
CHCJ-002-0036	CHCJ-003-0079
CHCJ-002-0053	CHCJ-003-0080
CHCJ-002-0054	CHCJ-004-0054
CHCJ-003-0065	

**MOTION TO AMEND CONSENT ORDERS AND DEFAULT JUDGMENT ORDERS
DESCRIBING THE WATER RIGHTS ASSOCIATED WITH THE OTRA VANDA DITCH**

The plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) moves the Court to amend seventeen *Consent Orders* and one *Order Granting Default Judgment* associated with the Otra Vanda Ditch. As grounds therefore plaintiff states:

1. Seventeen *Consent Orders* and one *Order Granting Default Judgment* (impacting two subfiles) were entered by the Court describing the location of the X and Y coordinates for the Otra Vanda Ditch as follows:

Point of Diversion:

Ditch Name: OTRA VANDA DITCH

Location X: 1,583,583 feet **Y:** 1,981,520 feet
New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

2. Upon further inspection and review by the State, the above X and Y coordinates for the Otra Vanda Ditch as stated in the entered *Consent Orders* and *Order Granting Default Judgment* are incorrect. The correct location of the X and Y coordinates for the Otra Vanda Ditch is:

Point of Diversion:

Ditch Name: OTRA VANDA DITCH

Location X: 1,589,954 feet **Y:** 2,002,692 feet
New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

3. The individual subfile orders containing the incorrect location of the X and Y coordinates for the Otra Vanda Ditch that should be amended and revised are as follows:

CHCJ-002-0002 *Consent Order* (Doc. 6972) entered on December 5, 2002 (Pedro P. Trujillo);

CHCJ-002-0010 *Consent Order* (Doc. 7223) entered on September 19, 2003 (Melissa & Ray Martinez);

CHCJ-002-0028 *Consent Order* (Doc. 6131) entered on January 18, 2001 (Jerry & Lydia Garcia);

CHCJ-002-0029 *Consent Order* (Doc. 6842) entered on September 4, 2002 (Sergio Rivera);

CHCJ-002-0030 *Order Granting Default Judgment* (Doc. 6835) entered on August 29, 2002 (Max Marquez);

CHCJ-002-0032 *Consent Order* (Doc. 6132) entered on January 18, 2001 (Ross A. Martinez, Jr.);

CHCJ-002-0036 *Consent Order* (Doc. 7105) entered on April 9, 2003 (Adriano G. & Valeria M. Valdez);

CHCJ-002-0053 *Consent Order* (Doc. 6252) entered on June 11, 2001 (Patrick Valdez);

CHCJ-002-0054 *Consent Order* (Doc. 6251) entered on June 11, 2001 (Antonio Valdez);

CHCJ-003-0065 *Consent Order* (Doc. 6247) entered on June 11, 2001 (Ephraim Valencia);

CHCJ-003-0071 *Consent Order* (Doc. 6392) entered on October 29, 2001 (Jolly Family Trust);

CHCJ-003-0073 *Consent Order* (Doc. 6295) entered on July 23, 2001 (Jose Modesto Madrid);

CHCJ-003-0074 *Consent Order* (Doc. 6373) entered on October 16, 2001 (Angela D. & Max David Martinez);

CHCJ-003-0075 *Consent Order* (Doc. 6112) entered on January 10, 2001 (Albert & Irene B. Martinez);

CHCJ-003-0076 *Consent Order* (Doc. 6496) entered on January 25, 2002 (Jonathan Martinez);

CHCJ-003-0077 *Order Granting Default Judgment* (Doc. 6835) entered on August 29, 2002 (Armando & Frances Vigil);

CHCJ-003-0079 *Consent Order* (Doc. 6497) entered on January 25, 2002 (Geraldine Martinez A/K/A Geraldine N. Valdez);

CHCJ-003-0080 *Consent Order* (Doc. 6637) entered on April 10, 2002 (John J. Serrano);

CHCJ-004-0054 *Consent Order* (Doc. 6114) entered on January 10, 2001 (Chester O. Weaver).

WHEREFORE, the State requests the Court amend the above identified *Consent Orders* and *Order Granting Default Judgment* by correcting the location of the X and Y coordinates for the Otra Vanda Ditch as stated above in paragraph 2.

Pursuant to the Court's February 4, 2013 *Order* (Doc. 10891), the State requests the Clerk of the Court to mail copies of the approved Order requested in this Motion to the parties listed below at the address listed.

Respectfully submitted,

/s/ Ed Newville

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of May, 2014, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served by electronic mail, and served the following non-CM-ECF participants in the manner indicated:

Via first class mail, postage prepaid addressed as follows:

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/s/ Ed Newville

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